



EXHIBIT

8

DATE

2-2-2011

Charles Denowh <cdenowh@gmail.com>

HB290

1 message

Mary Ann Murray <lige@wb.midrivers.com>

Mon, Jan 31, 2011 at 1:22 PM

To: "Inc. UPOM" <info@unitedpropertyownersofmt.com>

I am opposing HB 290 as this is a private property rights issue. The reason we purchase land is to have control of the land. Roads should be assumed to be private roads unless they appear on the county road maps as having a different designation. There is a process to establish a public road and HB 290 would defeat that purpose. As a landowner, we should have the right to protect our roads on private property. By "protect", how many have seen what happens to our roads that we must maintain during hunting season? Many of the county roads in our area have had to be maintained by the individual landowners at landowner expense.

For these reasons I oppose HB 290.

To the committee members:

I stand strongly opposed to this bill. Haven't we seen enough attacks on landowners and property rights this past year? This bill ranks right up there with the initiative I-161. Just one more attempt erode private property rights. Aren't their already laws in place that deal with this issue? The burden will be put on the rancher and landowner as guilty until proven innocent. Just what the rancher needs is more bills from the lawyers. I'm curious as to how many of the County Commissioners are in favor of this bill? Just more work for them!!

This bill is only good for the sportsman with entitlement attitude that we owe them access to everything that we own. I just hope that you will be able to see through this blatant attack on Ranchers, Landowners and private property rights and vote NO.

Respectfully Mark DeCock
Rancher and Landowner



Charles Denowh <cdenowh@gmail.com>

HB 290

1 message

Janet Talcott <hereford@imt.net>

Mon, Jan 31, 2011 at 4:46 PM

To: "UPOM, Inc." <info@unitedpropertyownersofmt.com>

TO THE HOUSE TRANSPORTATION COMMITTEE:

As a PRIVATE PROPERTY OWNER I am opposed to HB 290. We own the land, pay the taxes on the land and take care of it and my land is not for the benefit of others who want to recreate. This land is how I make my living and I do not believe anyone has the right to enter this private land without my permission. It makes no difference if the land is posted or not they drive right by the sign anyway. You can't post land for those that don't have eyes to see!!!

If someone owns a home in town, I'm positive they would not like it if I drove across their lawns or had a picnic on their lawns of parked my car in their driveway.

Kill this before it goes any further. Have some respect for others!!!!

Janet Talcott
Landowner
North of Pompeys Pillar, Montana
Yellowstone County

rosella meredith <rosellam@wb.midrivers.com> Tue, Feb 1, 2011 at 9:50 AM

To: "UPOM, Inc." <info@unitedpropertyownersofmt.com>

We are strongly opposed to HB 290. We feel it is a threat to our private property rights and will interfere with our right to run our independent ranching business. There are already laws in place and this one is totally unnecessary. Right now we have to post to keep trespassers out. HB 290 prohibits posting allowing free access. We don't want to lose our right to protect our property.

Please **do not** pass HB 290.

(Richard) Wayne & Rosella D. Meredith
Box 284
Melstone, MT 59054

406-947-2185

Lee Farms LLC
123 Neal Road
Musselshell, MT 59059

January 31, 2011

LETTER/MEMO

TO: The 2011 Montana Legislative House Transportation Committee

RE: House Bill No. 290 – “AN ACT PROHIBITING RESTRICTION OF PUBLIC ACCESS ON CERTAIN ROADS OR RIGHTS-OF-WAY USED BY THE PUBLIC UNLESS CERTAIN REQUIREMENTS ARE MET.”

Honorable House Committee Members:

We are asking that you **NOT** to approve and/or vote for **HB 290**. We have read it in its entirety and are dismayed at its intent and the provisions contained therein, most of which take away more of the rights of rural and agricultural property owners while purporting to confer additional rights upon the “public”.

Most specifically, don't we as landowners . . . along with **OTHER** members of the “public”. . . have the legal right to protect our private property from trespass? This bill appears to effectively take that right away from not only those of us with acres of pasture across which “*non-designated road[s] or right[s]-of-way*” run by requiring that we first establish their “*proven legal status*”, but also to prevent the urban property owner who have a one-acre back yard through which a *nondesignated* path has been worn by bicycle travel from constructing a fence around his yard to protect his grass and stop the “public” from inflicting further damage? Can we, the “public” drive our ATV's onto his/her private property on the “*nondesignated road*” any time we please – park, stop, discharge firearms or travel unimpeded by any barrier – completely within our rights? Apparently so . . . until this landowner seeks permission to post a sign or to install a fence on his/her private property by providing notice to the county commissioners; and appearing before the commission and at a public hearing; and providing documentation showing that the “road” is private; and obtaining an opinion on the status of the road from his county attorney, obtaining historical information and land records; and performing any other action that the *governing body* considers to be appropriate before he/she may be granted the legal right to protect his/her private property from trespass.

This would be grossly unfair to ALL private property owners in Montana, but this bill will prove especially to inflict undue hardship and unnecessary expense on those of us whose private property contains miles of “*nondesignated*” roads and trails, and whose livelihoods depend on our ability to manage the movement of livestock and the production of crops.

Would this action be considered a taking? Is the State of Montana prepared to spend years in court and potentially millions of dollars for such a taking by the State? Is this really what the State wants to be known for? How would this action affect real estate values in Montana? For a state that is so richly associated with agriculture, it ought not be a continual struggle to keep up with legislation that will undermine our ability to operate in the a State blessed with many who risk so much to feed so many with little monetary reward.

Please do **NOT** pass or vote for **HB 290**, or ANY version thereof which would infringe upon your citizens' rights to protect and preserve their private property.

Sincerely,
Richard H. Lee
Lee Farms, LLC

WESSEL RANCH
130 Sharptail Road
P. O. Box 145
Lavina, MT 59046-0145

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Phone: (406)-575-2317
Fax: (406)-575-2027
E-mail: wesselrnch@midrivers.com

January 31, 2011

LETTER/MEMO

TO: The 2011 Montana Legislative House Transportation Committee

**RE: House Bill No. 290 – “AN ACT PROHIBITING RESTRICTION OF PUBLIC ACCESS
ON CERTAIN ROADS OR RIGHTS-OF-WAY USED BY THE
PUBLIC UNLESS CERTAIN REQUIREMENTS ARE MET.”**

Honorable House Committee Members:

We are writing to implore you **NOT** to approve and/or vote for **HB 290**. We have read it in its entirety and are dismayed at its intent and the provisions contained therein, most of which take away more of the rights of rural and agricultural property owners while purporting to confer additional rights upon the “public”.

Most specifically, don't we as landowners . . . along with OTHER members of the “public” . . . have the legal right to protect our private property from trespass? This bill appears to effectively take that right away from all property owners, not only those of us with acres of pasture across which “*non-designated road[s] or right[s]-of-way*” run, by requiring that we first establish their “*proven legal status*”. Is this bill intended to prevent the urban property owner who has a one-acre back yard through which a *nondesignated* path has been worn by bicycle travel from constructing a fence around his yard to protect his grass and stop the “public” from inflicting further damage? Can we, the “public” drive our ATV's onto his/her private property on the “*nondesignated road*” any time we please – park, stop, look around a bit, travel unimpeded by any barrier – completely within our rights? Apparently so . . . until this landowner seeks permission to post a sign or to install a fence on his/her private property by providing notice to the county commissioners; and appearing before the commission and at a public hearing; and providing documentation showing that the “road” is private; and obtaining an opinion on the status of the road from his county attorney, obtaining historical information and land records; and performing any other action that the *governing body* considers to be appropriate before he/she may be granted the legal right to protect his/her private property from trespass.

This would be grossly unfair to **ALL** private property owners in Montana, but this bill will prove especially to inflict undue hardship and unnecessary expense on those of us whose private property contains miles of “*nondesignated*” roads and trails, and whose livelihoods depend on our ability to manage the movement of livestock and the production of crops.

Please do **NOT** pass or vote for **HB 290**, or ANY version thereof which would infringe upon your citizens' rights to protect and preserve their private property.

Sincerely,
The Wessel Ranch
A Montana family ranching operation since 1940

My family and myself operate a 104 year old ranch in Yellowstone Co. HB290 is on of the most egregious pieces of legislation we have ever witnessed. This is an unprecedented attack on Private Property rights and opens the door to excessive financial hardship on county leaders, not to mention liability concerns. We already have laws in place that establishes public roads, as well as trespass laws, that would most certainly be negated. We urge you to vote against HB 290, so we will be able to continue our ranching heritage in Montana.

Thank you,
Dave Abel

----- Original Message -----

From: Gina Klempel

To: info@unitedpropertyownersofmt.org

Sent: Monday, January 31, 2011 11:58 AM

Subject: trespassing

I do NOT want the public using my property as a recreational use or any other kind of use. Who is supposed to pay the liability insurance on this violation of private property. A SIGN THAT STATES KEEP OUT OR OTHERWISE IS PROVEN AND ACCEPTED BY WEBSTER'S DICTIONARY -- WHY NOT THESE PEOPLE ?

THEY WANT TO USE MY LAND BECAUSE THEY HAVE LOCKED UP SO MUCH OF OUR PUBLIC LANDS WITH LOCKED GATES AND OBLITERATED ROADS. OUR COUNTY TRIED AND I AM TO TELL YOU THAT IT IS FISH AND GAME PUSHING THIS ISSUE, HOWEVER, THEY DID NOT SUCCEED .THEY TRIED THIS BY CREATING LARGE TRACT RURAL ZONING IN UNZONED AREAS THAT BORDER PLUM CREEK AND STOLTZ LAND AND LUMBER.

THIS IS A COMPLETE DISREGARD FOR PRIVATE PROPERTY AND ONCE AGAIN AN IMPOSITION THAT A LANDOWNER MUST SHOW PROOF OF WHAT THEY OWN AND CAN AND CANNOT PROVIDE.

PAYING YOUR TAXES ISN'T ENOUGH FOR THESE BORED LIBERALS THEY ALWAYS NEED MORE.

I AM COMPLETELY AGAINST THIS ACTION.
THANK YOU,
GINA KLEMPER
KALISPELL, MT

HB 290

Hollyn Cardani
Havre, Mt
2/1/11

HB 290 in my opinion is any easy way for the government to gain fast and cheap access to the farmers and ranchers land of Montana. The legalities, let alone the moral side of HB 290 are absolutely backwards. To think that you private property that you have paid for and own, could be considered for the use of the public without your permission is sickening. I have come from a farm and ranch background, I understand the back breaking work that these farmers and ranchers go through just to maintain a decent living. They have put more heart, sweat, love and tears into their land then any government official could ever think of understanding. So who are they to take that away from them? Telling these ranchers that a non designated road on their property is public until proven otherwise is insane. How are private properties owners suppose to protect themselves from lawsuits and illegal trespassers when this bill makes it unlawful to post their own property? Not to mention the amount of money the landowners would have to spend in order to prove that their land is in fact their land, how does that make sense? This bill should not even be considered it is so unconstitutional and morally unsettling to me. Please insure the future for our Montana farmers and ranchers and vote against HB 290!



Charles Denowh <cdenowh@gmail.com>

letter opposing HB290

1 message

Justin Baisch <jsbaisch@wb.midrivers.com>

Wed, Feb 2, 2011 at 8:44 AM

To: info@unitedpropertyownersofmt.com

February 1, 2011

House Transportation Committee
HB 290 Hearing

Dear House Transportation Committee Members,

As Montanan citizens, we are extremely opposed to HB 290. It is a gross violation to private property rights and would be burdensome to county commissions and other county government.

As land owners we have the right to protect our property from trespass, by posting signs to let people know that they will be trespassing if they enter our property. HB 290 would require us to go through a lengthy process with county officials to obtain permission before we posted signs, put up barriers or even built fences on any of our property that was accessible by vehicles and therefore possibly trespassed on by members of the public. This is crazy!

There is already a well established process in Montana to define, establish, or abandon county and public roads. HB 290 would be a dangerous move that would encourage trespassing, create hostilities, and push private property owners to not allow any use that might establish a public access.

Please stop HB290.

Shana Baisch
323 Road 300
Glendive, MT 59330

Attention All Committee Members:

Page 1

We are Bill and Ronnie Robinson who Own and Operate the Anchor Ranch. We are telling you this because we own about 4 sections of Private Property with a road going through called the BULLWHACKER Road.

This portion of our property is also surrounded by BLM and the Upper Missouri River Breaks National Monument.

The Monument was designated in January of 2001.

About the time the Monument was being talked about we started to have problems with our road and access. Our road at that time did not have a name and wasn't signed by the county. It wasn't named or signed until 2007.

In 2001 the County added the road to the Gas Tax Inventory to collect Fuel Tax money from the State. The counties were hired by the Montana Department of Transportation that year to do their own inventories of the roads in their counties due to funding problems.

We found out in 2002 and started to do some research.

At that time the County was claiming that since it was a Gas Tax road it was a Public road according to their definition. We were never notified or told about our road being added. We found out from a third party. After doing some research we soon learned that according to Montana Code the proper steps were not followed by the county to claim our road.

We contacted the Montana Department of Transportation and requested our road to be re-inventoried.

We were told it did not meet the requirements to be a Gas Tax road. We had the property posted prior to 2001. It has been posted for about 50 years and still is today.

It was removed from the Gas Tax Inventory by the MDOT in 2004 because of the timing of the Fiscal Year.

During this time we were under attack by the County, BLM, The Public Land and Water Access Association and other various public and hunting organizations.

The County was claiming that since it was a Gas Tax road it was a Public road according to "their" definition.

This information was being released to the public in general and the harassment began.

2 prior county attorneys' researched the legal history and determined that it was a Private road and treated it as such along with our local Law enforcement and the Fish and Game.

Prior to 2007 the PLAWAA had been in contact with the county commissioners and county attorneys' over the years to try to persuade them to take action against us. Nothing was ever pursued by the county.

In the fall of 2006 our county attorney was quoted in several newspaper articles that as soon as he was elected and took office he was going to take action.

In January of 2007 we received a letter from the newly elected county attorney that in his opinion our road was a public road based on RS2477 road claim.

At that time we were forced to retain legal counsel to protect our property, livelihood and ourselves.

The RS2477 claim was later thrown out of the legal process due to proving the legalities.

No action was taken by the county at that time.

We received another letter from the county attorney approximately a year later. Now he was stating that in his opinion it was public road because of a public prescriptive easement.

He also expressed this opinion to the BLM Monument Manager.

In September of 2009 the BLM tore down our sign and threw it face down on the ground and put up their own sign saying it was a public road.

Within days after that our property and other signs were vandalized by unknown individuals.

We ultimately were forced to file a lawsuit against the county.

We went to Trial 2 weeks ago and are currently awaiting a decision.

This is just a brief history.

During the course of the last 10 years or so we have been threatened physically and verbally in person and over the phone. We have received threatening phone calls, letters, been harassed and intimidated by Local and Federal Agencies and the Public.

Our Livelihood has been affected beyond words.

Our cattle have been chased by people on 4 wheelers.

We have had gates left open and fences cut allowing our cattle to get out of where they are supposed to be.

For several years our corral gates have all been opened allowing our cows or calves to get out.

We have had people try to run us off the roads when we were traveling or hauling livestock.

Our Cattle have been chased off the roads when we are moving or gathering them.

Some of our cows and calves have been injured because of these actions.

We have also had our cattle shot or shot at by some of these people.

This type of legislation is very dangerous to anybody that owns private property.

It encourages this type of behavior putting all landowners and their livelihood at risk!

It isn't just a matter of proving the property you bought and have been paying taxes on for x amount of years is yours, it's about somebody taking something that isn't legally theirs for their own personal gain.

The cost and destruction to private property owners is astronomical.

It is a very time consuming process that is added expense to us as a property owner, the counties, state and attorneys' involved.

It takes years to defend and resolve these issues tying up the courts for years on end placing another burden on the courts.

It is ridiculous to be putting this kind of a burden on anybody that owns private property that has a road.

Times are hard enough to try and make a living and this type of legislation only makes it more expensive to own private property.

The decrease in property value due to this type of legislation would be very harmful to the economies and markets.

It will put a lot of us out of business just trying to defend our rights.

Not all roads are public roads nor were they ever intended to be.

That's why people buy "PRIVATE PROPERTY".

This Bill is backwards legislation. It completely defies the law of logic.

Thank You for your time and we hope that you will give it great consideration.

PLEASE KILL THIS BILL!

Sincerely,

Bill and Ronnie Robinson, Anchor Ranch Inc.